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December 1, 2016

BY ECF

Honorable Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Courtroom 1506
New York, New York 10007

Re: *United States v. Virgil Flaviu Georgescu*, 14 cr. 799 (RA)

Dear Judge Abrams:

In anticipation of the upcoming sentencing hearing in the above-referenced matter, we write on behalf of our client, Virgil Flaviu Georgescu, to notify the court of the defense's requested modifications to the facts reported in the Presentence Investigation Report, Docket Number 129, filed on November 3, 2016 (the "PSR").

1. Paragraph 18

Paragraph 18 refers to, among other things, Mr. Georgescu's two calls to the CIA. As stipulated between the parties, Mr. Georgescu placed the two calls in or about April 2012. *See* Appendix A. However, as drafted, the PSR suggests that Mr. Georgescu placed the calls in or after May 2014. We request that Paragraph 18 be revised as follows:

18. In approximately 2011, CS-1 was introduced to a Southern California resident named Andi Georgescu ("Andi"). During the years of their acquaintance, CS-1 represented himself to Andi as a Colombian drug trafficker, money launderer, and weapons broker. In March 2012, CS-1 provided Andi with a detailed list of weapons that CS-1 was attempting to procure, including shoulder-fired rockets, grenades, sniper rifles, and ammunition (the "Weapons List"). In or about April 2012, Andi told VIRGIL FLAVIU GEORGESCU that CS-1 was seeking weapons. GEORGESCU subsequently placed two calls to the U.S. Central Intelligence Agency (CIA) regarding CS-1's attempt to procure weapons from Andi. The CIA telephone operator with whom GEORGESCU

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spoke indicated that GEORGESCU would be contacted if the CIA needed anything further. In May 2014, Andi introduced CS-1 via telephone to GEORGESCU, who Andi explained to CS-1 had direct contact with weapons suppliers. In recorded phone calls, CS-1 told GEORGESCU that he worked for the FARC and hoped to procure weapons for his organization. GEORGESCU said that he could help, and urged CS-1 to communicate only via encrypted applications. ~~GEORGESCU subsequently placed two calls to the U.S. Central Intelligence Agency (CIA) regarding CS-1's attempt to procure weapons from Andi. The CIA telephone operator with whom GEORGESCU spoke indicated that GEORGESCU would be contacted if the CIA needed anything further.~~

2. **Paragraph 61**

Paragraph 61 sets out Mr. Georgescu's personal and family information, including biographical information regarding his parents. Paragraph 61 should be updated to reflect the fact that Mr. Georgescu's father passed away in October 2016. We request the following modifications:

61. Virgil Flaviu Georgescu was reportedly born under the name "Virgil Flaviu Ciobanu" on [REDACTED], 1972, in Alexandria, Romania, to the marital union of Stefan Ciobanu (deceased), ~~age 72~~, and Floarea Ciobanu, nee Parkaschiv, age 70. The defendant explained that he legally changed his surname to "Georgescu" in 1994, for safety reasons and due to the political instability in Romania at the time; he chose the surname randomly and advised that it is a common last name in Romania. The defendant's parents are retired geologists, previously charged with scouting for oil and natural gas on behalf of the Romanian government, and who continue to reside in their native country. Georgescu stated that his mother suffers from a cardiac condition and last had a stroke approximately three months ago, ~~while his father suffers from rheumatoid arthritis, Type II diabetes, and various age-related ailments.~~

3. **Paragraph 73**

Paragraph 73 refers to the Probation Officer's attempts to contact members of Mr. Georgescu's family. It specifically notes that the Probation Officer "attempted to conduct a phone interview with [Mr. Georgescu]'s wife, Andra Georgescu; however, she did not answer when called." However, on or about November 9, 2016, the Probation Officer called again, and interviewed Ms. Georgescu. We request that Paragraph 73 be revised as follows:

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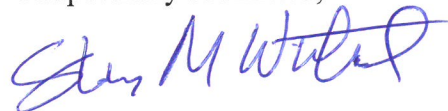
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73. An attempt was made to conduct a telephone interview with the defendant's wife, Andra Georgescu; however, she did not answer when called. On November 9, 2016 probation called Ms. Georgescu a second time, and interviewed her by telephone. On November 2, 2016, the defendant's cousin, Gabriel Ciobanu, was interviewed via telephone, during which time he corroborated the statement which he provided to probation officials in Nevada during the home inspection. Mr. Ciobanu stated that he was shocked to learn of the defendant's arrest and conviction, and advised that his knowledge of the case came solely from media reports. The defendant's cousin affirmed that Georgescu never formally lived at his residence and that Georgescu's wife is living at a location in New York unknown to him. Mr. Ciobanu maintained that the defendant was engaged in consulting work in Romania prior to his arrest. Additionally, he related that despite Georgescu's conviction, he does not consider him to a "bad person."

* * *

We respectfully request that the Court revise the PSR in accordance with these comments. On December 1, 2016, the defense conferred with AUSAs Ilan Graf and Andrea Surratt, counsel to the Government, who did not object to this request.

Respectfully submitted,



Steven M. Witzel

cc: Ilan Graff, AUSA (by ECF)
Andrea Surratt, AUSA (by ECF)